MONTANA LEGISLATIVE HISTORY

Chapter 390 19 79

Bill H 600 S _____ Original bill & history ✓ C

H. Committee on	State Administration		S. Committee on	State Administration	
Hearing Date(s)	Feb 12	✓ C	Hearing Date(s)	Mar 13	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Feb 12	✓ C		Mar 13	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

CHAPTER NO. 380

HOUSE BILL NO. 600

INTRODUCED BY BARDANOUVE

IN THE HOUSE

February 6, 1979	Introduced and referred to Committee on State Administration.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass as amended.
February 22, 1979	Correctly engrossed.
	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on State Administration.
March 14, 1979	Committee recommend bill be concurred in. Report adopted.
March 15, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

IN THE HOUSE

March 20, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 600

INTRODUCED BY Bardanouve

A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE VOLUNTEER AMBULANCE DRIVERS AND TO EXCLUDE SUCH DRIVERS FROM LIABILITY WHILE PERFORMING AMBULANCE RUNS; AMENDING SECTION 27-1-714, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-1-714, MCA, is amended to read:

"27-1-714. Limits on liability for emergency care rendered at scene of accident or emergency. (1) Any person licensed as a physician and surgeon under the laws of the state of Montana or any other person who in good faith renders emergency care or assistance without compensation except as provided in subsection (2) at the scene of an emergency or accident ~~shall--not-be~~ is not liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(2) A person properly trained under the laws of this state who operates an ambulance on a volunteer basis is not liable under subsection (1) so long as any reimbursement received for such volunteer services does not exceed 25% of his gross annual income."

-End-

LC 0732/01

HB 600

HOUSE STATE ADMINISTRATION COMMITTEE

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 588	establishing policies & procedures for contracting professional services by the state; prohibiting payment of contingent fees for professional services contracts/providing penalties	2/6/79	Yardley	2/19/79	Do Not Pass	2-19
HB 591	to provide that payment of a disability retirement allowance under muni. police officers' retirement system shall commence on the day following the member's last day of membership service	2/6/79	Bardanouve	2/19/79	Do Pass	2-19
HB 593	requiring coroners to order autopsies when a death occurs in or as direct result of a fire in a building	2/6/79	Johnston,G.	~~2/20/79~~ 2-16-79	Do Pass	2-19
HB 596	to indicate more clearly when a petition signature may be counted	2/6/79	Metcalf	~~2/20/79~~ 2-17-79	Do Pass	2-19
HB 600	to define volunteer ambulance drivers & to exclude such drivers from liability while performing ambulance runs	2/6/79	Bardanouve	~~2/20/79~~ 2-17-79	Do Pass	2-19
HB 614	to require the TRS board to credit to each member's account the actual interest earnings in the previous fiscal year minus the reasonable costs of administration	2/6/79	Nordtvedt	F.N. - 2/7 2/20/79	Do Not Pass	2-20

EXECUTIVE SESSION

HB 403-KANDUCH moved the amendments presented (Attachment #1), motion carried. KANDUCH then moved the bill AS AMENDED DO PASS, which carried unanimously.

HB 596-O'CONNELL moved DO PASS, which carried unanimously.

HB 664-SALES moved DO NOT PASS.

O'CONNELL made a substitute motion of DO PASS.....this would go into Appropriati and that's their function.

DONALDSON-What if, on page 2, line 18 we struck "state auditor" and the code num ber and inserted ". Difference shall be paid out of the General Fund". This is where it will come from anyway.

DONALDON's amendment carried.

O'CONNELL moved AS AMENDED DO PASS straight to Appropriations, which failed on a roll call vote 8 - 8.

Ms. O'CONNELL then reverted to her original motion of DO NOT PASS, which carried 9 - 7.

EXECUTIVE CLOSED

HB 600-Sponsored by Rep. Bardanouve -- This is a situation that has come up that is rather serious in the small counties. Small towns have no medical services of any sort but they do have ambulances. The Montana Medical Service has done a of these cities in emergencies and many of these people live miles out in the country. They take training in medical care -- they are bankers, teachers, mer- chants -- and they give their time and pay money for this training. They really do a fine job. They are worried that they are libel on these emergency calls an could be sued for their actions sometime. They get $5.00 for each run and some- times they go way more than 100 miles and it may take 1/2 a day. Under the pres Samaritan Law, a person who get no compensation isn't libel -- but because these people get $5.00 they are. With this bill, if what they receive is less than 25 of their income they are not libel.

PAUL KROPP-Representative from Malta -- I support this -- I serve on the ambulan board and this is a good bill and I support it.

JOE MAGONE-Representative from Superior -- I'm also on the ambulance board in my area, and I support this bill.

JOHN STAIGMILLER-Representative from Cascade -- I work with this program too, ou County Nurse gave us all CPR training, and I want to add my support.

JOE MARBLE-President, Emergency Medical Services Association -- He explained wha the Association is made up of. This $5.00 token payment makes them libel for su Raising it to 25% is fine because some of these people go out alot.

BRAND-What does the county do on these? MARBLE-It varies from state to state. Ours is strickly a voluntary thing and each county is different.

EXECUTIVE SESSION RE-OPENED

HB 600-O'CONNELL moved DO PASS, which carried unanimously.

HB 683-O'CONNELL moved DO PASS, which carried unanimously.

HB 741-O'CONNELL moved DO PASS, which carried unanimously.

HB 808-BRAND-Why don't we hold this until Monday to get the amendments straight? KROPP so moved and the motion carried.

HB 481-KANDUCH-We were informed that as far as the Gas & Oil Board, they can apply for and receive an increase in pay whenever they have an increase in responsibility. JOHNSTON-This is their own money that they get from private industry. These men could get much more money in the private sector. ZEZOTARSKI-We look at several alternatives for 481, they are trying to revise the Pay Plan so that people in the upper levels don't get hurt. They don't want to get the Pay Plan any more out of line than it is now. We have a rough draft of a committee bill dealing with this. KANDUCH-We have it here -- (see Attachment #2) -- We have to hear it today because of the Rules being suspended.

Zezotarski handed out copies of the draft.

ZEZOTARSKI-The bill tries to limit the number of exemptions that elected officials can have by amending 2-18-103 (1) and striking "and their chief deputies and executive secretaries". So, with these two amendments you are getting rid of 110 exemptions. With the remainder of the bill it allows you to keep all but 13 positions. The language "approved by the department with criteria developed by the department" (see Attachments #3 and 4) affects only professional positions.

KANDUCH moved that this be presented as a Committee Bill, and the motion carried unanimously.

Adjourned: 11:15 a.m.

Joe Brand

Joe Brand, Chairman

Nita Sierke

Nita Sierke, Secretary

46th LEGISLATIVE SESSION

HOUSE BILLS

COMMITTEE ON STATE ADMINISTRATION

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
596	2/22	3/14	3/14				3/14		
597	2/19	3/21	3/21						
600	2/23	3/13	3/13				3/13		
620	2/17	3/8	3/15					3/15	
686	2/23	3/14	3/14				3/14		
738	2/19	3/6	3/6				3/6		
746	2/23	3/14	3/14				3/14		
755	2/22	3/20	3/20				3/20		
761	2/23	3/15	3/15				3/15		
779	2/23	3/5	3/5				3/5		
793	3/1	3/9	3/9						3/9
827	2/28	3/15	3/15				3/15		
837	2/28	3/16 pstd.	(Taken to Rules Comm. 3/6/79)						
847	2/23	3/9	3/9 (Instructed to Hold 3/9/79)						
853	2/28	3/5	3/15					3/15	
861	2/28	3/5	3/5				3/5		

Use a separate sheet for Senate, House Bills and Resolutions

Hearing was then closed on House Bill No. 558.

CONSIDERATION OF HOUSE BILL No. 591: The Chairman called on Rep. Bardanouve, who was also sponsor of this Bill, to present his testimony.

Rep. Bardanouve stated this was a very simple Bill providing for a disability allowance to be paid starting after a policeman is disabled. The policemen's bill passed last session establishing a disability retirement allowance, however, the problem with that is that a person had to wait a whole month before he could receive any benefits if a disability occurred on the first day of the month. This merely changes the way the law reads presently to the intent of the legislature that he should receive benefits from the day he is hurt.

Proponents were called for by the Chairman.

Jack Williams, Chief of Police Association for Montana, in support of the legislation, testified this was first noticed when an officer who had served about 19 years on the force had suffered an accident and was disabled. He was deprived of one month of his benefits because of the way the language of the law was set up. This Bill would correct the language to allow a person disabled to be eligible for benefits the day after his last day of active duty.

Dan Mizner, League of Cities and Towns, stated they supported the Bill and that the problem with the PERS had been resolved.

Maurice Mulcahy, Montana Police Protective Association, also supported the measure.

Jim Turcotte, PERS, stated this Bill would revise the policemen's system to where it would now read the same as all other systems relating to this particular benefit, and they supported it.

Closing statement was waived, and the hearing on House Bill No. 591 was closed.

CONSIDERATION OF HOUSE BILL No. 600: As this Bill was also sponsored by Rep. Bardanouve, Chairman Story directed him to proceed.

Rep. Bardanouve stated he introduced this Bill because out in the small rural areas of Montana there is very little medical services and people live a long way from the hospital. Most of the services are handled by volunteers such as the ambulance drivers and attendants. These volunteers are liable for the patients under their care, but they are local people, just local citizens who give their time to provide this service. They do have the training to handle this service as required by regulations. However, they receive $5.00 per trip reimbursement for their time, no matter how long the trip may be. These are people who have other jobs to do and work at other professions. This Bill will put them under the "good samaritan" law so that they can't be sued in cases of alleged medical malpractice or something like that, as long as the volunteer does not receive more than 25% of his annual income from ambulance

driving. It just exempts these people from liability for some error they may or may not have made, real or imagined.

Sen. Story questioned if any lawyers had appeared against this Bill, to which Rep. Bardanouve responded that an attorney from Kalispell had asked a few questions in the House, but did not oppose it. The three attorneys in the House did not speak against the Bill.

To clarify a point, Sen. Roskie asked to whom this specifically pertained. Rep. Bardanouve stated it concerned just the treatment of the patients while under the care of the volunteer ambulance people. Sen. Roskie stated he did not feel these people should be exempt if they were driving too fast or recklessly, to which Rep. Bardanouve replied gross negligence was not excused and that the Bill could be amended however he wanted to guard against this.

There being no proponents and no opponents to this Bill, and no further questions from the Committee, the hearing on House Bill No. 6[illegible] was closed.

CONSIDERATION OF HOUSE BILL No. 179: The Chairman called on Rep. Art Lund, House District 2, Scobey, to present his testimony as sponsor of the Bill.

Rep. Lund read a portion of the law which pertained to this Bill which had been requested by the Office of Budget and Program Planning. Th[illegible] referred to the sections this Bill would repeal, which are Sections 17-7-104 through 17-7-106, MCA. This pertained to a priority budgetin[illegible] system set up in 1975 by House Bill No. 643, which was supposed to be a better way to do the budgeting for the state at that time. The data generated by this system has been given little attention, such as the report prepared by the Budget and Planning Office and sent to the legislators. The priority budget system adds another layer of paper work, he stated. By eliminating this system, the state would save a [illegible] of paper and a lot of man-hours. Also, this system is not compatible with the present state accounting system, so presently the state has 2 systems of budgeting. Some of the material is somewhat contradictory when it comes to figuring out the final budget and the amount of time spent by the state agencies using this system is a real problem.

Further proponents were asked for by the Chairman.

John Fitzpatrick, Deputy Director, Office of Budget and Program Planni[illegible] supporting the Bill's passage, stated there were two budgeting systems at present: 1) the line item format and the 2) priority budgeting format which was only used by 7 agencies and was originally a pilot program based on zero-based budgeting. The performance to date using this second system has not been satisfactory. It creates a paper blizzard, he stated, as there is so much procedure which must be done in order to arrive at a final figure. There is about 60 budget forms [illegible] required for this system, as compared to 7 for all usual budgeting f[illegible] Both our office and the fiscal analyst have to go over these forms, so it does create more work. It is also confusing, he stated, when you try to compile final figures from 2 or 3 budgeting systems. He then detailed the work which went into the two separate types of budgeting systems and showed a sample of each form. He did not feel any

information would be lost by going with the less complicated system and that it would end some of the confusion of having to prepare the different forms. He explained this Bill did not totally repeal this system, but allows them to retain a portion relating to long-range building programs, etc.; they will keep those provisions which had some value to the system.

No opponents appearing, questions by the Committee were called for.

Sen. Ryan questioned if people who worked on this would be let go or reassigned, which Mr. Fitzpatrick answered that this would not result in a loss of personnel as those people who were required to prepare this budget system were required to work overtime. This Bill would eliminate that problem also.

Sen. Tom Rasmussen moved that House Bill No. 179 BE CONCURRED IN; motion carried by unanimous vote.

DISPOSITION OF HOUSE BILL No. 558: Sen. George Roskie moved that House Bill No. 558 BE CONCURRED IN.

During further discussion of the Bill, Sen. Story expressed concern that over $200,000 would be taken from the general fund to pay for this and that it would take 40 years.

Upon roll call vote, the motion carried by majority, with Sen. Story voting "no". Sen. Roskie will carry the Bill on the floor.

DISPOSITION OF HOUSE BILL No. 591: Sen. Greg Jergeson moved that House Bill No. 591 BE CONCURRED IN; motion carried by unanimous vote. Sen. Jergeson will carry this bill on the floor.

DISPOSITION OF HOUSE BILL No. 600: Sen. Jergeson moved that House Bill No. 600 BE CONCURRED IN. This motion carried without any opposition and Sen. Jergeson will also carry this Bill.

FURTHER CONSIDERATION OF HOUSE BILL No. 208: Chairman Story announced that Mr. Larry Zanto was present to discuss House Bill No. 208 which had been previously acted upon by this Committee but had run into a problem.

Larry Zanto, Director of the Department of Institutions, explained that after the Committee hearing on this Bill, some other labor people came to him stating they had a problem with the Bill on the construction provisions. Even though they had agreed to the provisions previously and amended the Bill to suit their opinions, some of these labor people now objected. Because of his agreement with labor, he felt an obligation to ask that the portion referring to the inmate construction projects be eliminated from the Bill. He stated the important portion was the provisions relative to selling of the prison farm products.

Sen. Story added that another problem was a sponsor to carry the Bill on the floor, which Mr. Zanto stated he would take care of.

Sen. Hafferman did not think that portion should be taken out of the

STANDING COMMITTEE REPORT

March 13 19 79

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 600

Bardanouve (Jergeson)

Respectfully report as follows: That House Bill No. 600

Third Reading Bill,

~~DO PASS~~ BE CONCURRED IN

Pete Story, Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 600

INTRODUCED BY BARDANOUVE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~DEFINE--VOLUNTEER AMBULANCE--DRIVERS--AND--TO~~ EXCLUDE ~~SUCH~~ VOLUNTEER AMBULANCE DRIVERS AND ATTENDANTS FROM LIABILITY WHILE PERFORMING AMBULANCE RUNS; AMENDING SECTION 27-1-714, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-1-714, MCA, is amended to read:

"27-1-714. Limits on liability for emergency care rendered at scene of accident or emergency. (1) Any person licensed as a physician and surgeon under the laws of the state of Montana or any other person who in good faith renders emergency care or assistance without compensation except as provided in subsection (2) at the scene of an emergency or accident ~~shall not be~~ is not liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(2) ~~A~~ SUBSECTION (1) INCLUDES A person properly trained under the laws of this state who operates an ambulance TO AND FROM THE SCENE OF AN EMERGENCY OR RENDERS EMERGENCY MEDICAL TREATMENT on a volunteer basis ~~is not liable under subsection (1)~~ so long as any reimbursement received for such volunteer services does not exceed 25% of his gross annual income."

-End-

REFERENCE BILL